

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ANTAEUS ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00719-JPH-MJD
)	
WHEELER'S MISSION,)	
CASE WORK MANAGEMENT)	
SUPERVISOR,)	
SECRETARY,)	
DIRECTOR Unknown,)	
)	
Defendants.)	

ORDER

I. Granting *in forma pauperis* status

Plaintiff Antaeus Anderson's motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Mr. Anderson to proceed without prepaying the filing fee, he remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

II. Screening

A. Screening standard

The Court has the inherent authority to screen Mr. Anderson's complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts

have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status.”). The Court may dismiss claims within a complaint that fail to state a claim upon which relief may be granted. *See id.* In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). *Pro se* complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

B. The complaint

Mr. Anderson alleges federal claims against Wheeler Mission and its employees for deprivation of his constitutional rights under 42 U.S.C. § 1983. Mr. Anderson alleges that Wheeler Mission and its employees violated his constitutional rights guaranteed by the fifth, eighth, and fourteenth Amendments by denying him “rightful/lawful services given to homeless persons” on the grounds that he failed to register as a sex offender. Dkt. 1. The denied services include public feeding and use of restroom and shower facilities. Dkt. 1-1. Mr. Anderson alleges that this caused him psychological,

physical, and emotional injuries, as well as ongoing humiliation and degradation. Dkt. 1. He seeks monetary damages. *Id.*

C. Discussion

Mr. Anderson's complaint must be dismissed. "In order to state a claim under [42 U.S.C.] § 1983 a plaintiff must allege: (1) that defendants deprived him of a federal constitutional right; and (2) that the defendants acted under color of state law." *Savory v. Lyons*, 469 F.3d 667, 670 (7th Cir. 2006); see *London v. RBS Citizens, N.A.*, 600 F.3d 742, 746 (7th Cir. 2010) (private actors may not be sued for "merely private conduct, no matter how discriminatory or wrongful"). A private citizen can act under color of law if there is "evidence of a concerted effort between a state actor and that individual." *Spiegel v. McClintic*, 916 F.3d 611, 616 (7th Cir. 2019) (quoting *Fries v. Helsper*, 146 F.3d 452, 457 (7th Cir. 1998)). Mr. Anderson has not alleged any facts demonstrating that Wheeler Mission or its employees are state actors or that there was any agreement between Wheeler Mission and a state actor.

D. Conclusion

Mr. Anderson shall have through **May 27, 2020** to show cause why this case should not be dismissed. If Mr. Anderson does not do so, the Court will dismiss this case with prejudice without further notice.

SO ORDERED.

Date: 4/27/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

ANTAEUS ANDERSON
620144
MARION COUNTY JAIL
MARION COUNTY JAIL
Inmate Mail/Parcels
40 South Alabama Street
Indianapolis, IN 46204